

Wetlands Bureau Decision Report

Decisions Taken
09/07/2009 to 09/13/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-02363 PEASE DEVELOPMENT AUTHORITY, DIV. OF PORTS & HARBO PORTSMOUTH Piscataqua River

Requested Action:

Expand existing Market Street Marine Terminal facility by construction 25,125 sq. ft. of new pier area, including elimination of 2 access bridges; new pier construction; installation of a new mooring dolphin and attached catwalk; and repair of existing caissons, bulkhead, and concrete decking, to allow safe docking and freight discharge of 750 ft. cargo vessels at Division of Ports and Harbors Port facility.

Request to waive compensatory mitigation required by Rule Env-Wt 302.03(c)(2)(f).

APPROVE PERMIT:

Expand existing Market Street Marine Terminal facility by construction 25,125 sq. ft. of new pier area, including elimination of 2 access bridges; new pier construction; installation of a new mooring dolphin and attached catwalk; and repair of existing caissons, bulkhead, and concrete decking, to allow safe docking and freight discharge of 750 ft. cargo vessels at Division of Ports and Harbors Port facility.

Waive compensatory mitigation required by Rule Env-Wt 302.03(c)(2)(f).

With Conditions:

1. All work shall be in accordance with plans by Appledore Marine Engineering dated October 2008, as received by the Department on 5/14/2009.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. All portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Work shall be done during low tide.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

Mitigation:

1. This permit is contingent of continuation and final reporting of mitigation activities conducted as required by permit 90-1616.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects in tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. Facility repair and expansion is necessary to safely support the level of cargo operations conducted at the State port terminal.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal is limited to the re-permitting of an un built portion of the original port expansion plan permitted under 90-1616, that is necessary to conduct safe operations for 750' cargo

vessels, and confines more than half of the expansion to an area inboard of the existing pier.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project area by the NH Natural Heritage Bureau. NH Fish and Game Department ("NHFG") states in a letter dated 6/26/2009, received by DES on 7/2/2009, that the current proposal represents much lower impact to marine resources and habitat than the original unfinished Marine Terminal development plan, and further stated that they are not opposed to waiving the requirement for further mitigation for the project.

5. The Portsmouth Conservation Commission recommends approval.

6. National Marine Fisheries Service reviewed the project on 12/30/2008 and stated that the project is eligible as proposed for Army Corps PGP approval.

7. On 6/22/2009 DES, NHFG, UNH, and the applicant met at the Division of Ports and Harbors ("DPH") site to review the status of the long-term mitigation performed for permit 90-1616, in response to the DPH request to waive current mitigation requirements for the current application. Review of the history of the mitigation conducted in support of permit 90-1616 found that the extensive mitigation required for the Commercial Marine Terminal Development Project, permitted under 90-1616, was fully executed and met the required percentage of success established in that approval.

8. DES further found, as documented in the applicant's report entitled "Support Data for Mitigation Waiver" dated 5/13/2009, received by DES on 5/14/2009, that, of the 11.3 acres of Port expansion previously permitted and mitigated for, only 1.7 acres, the so-called "barge wharf", was actually built. The mitigation executed far exceeds even the combination of the barge wharf and the new proposal, the new proposal representing only a portion of the previously permitted "south wharf".

9. Pursuant to Env-Wt 204.04(a)(1), DES finds that granting this waiver request will not have an adverse effect to the environment or natural resources of the state, public health or public safety, or have more significant impact on abutting properties than would result from complying with the rule.

10. Pursuant to Env-Wt 204.04(a)(2), DES finds that granting the request is consistent with the intent and purpose of the rule being waived: in this case the rule requiring mitigation has already been complied with; and that strict compliance with the rule will provide no benefit to the public and will cause an economic hardship to the applicant, who has already invested hundreds of thousands of dollars in executing the mitigation over the previous 15- year period.

-Send to Governor and Executive Council-

2008-02769 DUNHAM, JAMES & LORNA
ALTON Lake Winnepesaukee

Requested Action:

Repair and reconfigure the lakeward end of an existing curved breakwater bringing all portions of the structure extending above Elevation 504.32 in to a distance not to exceed 50 ft lakeward of the normal high water line. Repair a 59 ft 7 in cantilevered pier, install a 4 ft x 4 ft concrete pad to anchor a 4 ft x 30 ft seasonal pier, dredge a total of 13.3 cu yd for 368 sq ft of lakebed, and remove rocks placed on approximately 36 linear ft of bank on property having an average of 170 ft of frontage on Lake Winnepesaukee in Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

Inspection Date: 08/10/2009 by Dale R Keirstead

APPROVE PERMIT:

Repair and reconfigure the lakeward end of an existing curved breakwater bringing all portions of the structure extending above Elevation 504.32 in to a distance not to exceed 50 ft lakeward of the normal high water line. Repair a 59 ft 7 in cantilevered pier, install a 4 ft x 4 ft concrete pad to anchor a 4 ft x 30 ft seasonal pier, dredge a total of 13.3 cu yd for 368 sq ft of lakebed, and remove rocks placed on approximately 36 linear ft of bank on property having an average of 170 ft of frontage on Lake

Winnepesaukee in Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised August 20, 2009, and received by DES on August 26, 2009.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The reconfiguration of the breakwater and removal of the rocks placed on the shoreline shall be completed prior to the installation of the new seasonal pier.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
6. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
10. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. The breakwater shall have an irregular face to dissipate wave energy.
16. The shoreline in the area from which the placed rocks are to be removed shall be restored to original contours and stabilized with vegetation following the completion of work.
17. All rock not reused in the breakwater, dredged material, and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
18. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), modification of a docking system that includes a breakwater.
2. The applicant has an average of 170 feet of shoreline frontage along Lake Winnepesaukee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VII, and therefore meets Rule Env-Wt 402.13.
5. Public hearing is waived based on field inspection, by NH DES staff, on August 10, 2009, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. The field inspection found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2008-01602 NH DEPT OF TRANSPORTATION
WAKEFIELD Unnamed Stream

Requested Action:

Replace a failing 3 ft. x 6 ft. x 26 ft. box culvert with twin 36 in. x 48 ft. culverts impacting 898 sq. ft. of riverine and palustrine wetlands. NHDOT project #M312-7.

Inspection Date: 07/30/2009 by Gino E Infascelli

DENY PERMIT:

Deny the request to replace a failing 3 ft. x 6 ft. x 26 ft. box culvert with twin 36 in. x 48 ft. culverts impacting 898 sq. ft. of riverine and palustrine wetlands. NHDOT project #M312-7.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This is a Minor Impact Project per NH Code of Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
3. Approvals must be consistent with the findings of public purpose set forth by RSA 482-A:1.
4. In accordance with Env-Wt 302.02 Department Action. The criteria in this part shall be used to meet the purpose expressed by RSA 482-A:1 when determining whether to approve, approve with conditions, approve-in-part with conditions, or deny applications.
5. In accordance with Env-Wt 302.03, the applicant shall provide evidence that the potential impacts have been avoided to the maximum extent practicable and any unavoidable impacts have been minimized.
6. The applicant must demonstrate by plan and example that each factor listed in Rule Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
7. According to Rule Env-Wt 302.04(d), the department shall not grant a permit if there is a practicable alternative that would have a less adverse impact on the area and environments under the department's jurisdiction; the project would cause or contribute to significant degradation of waters of the state or the project will cause random or unnecessary destruction of wetlands.
8. According to Rule Env-Wt 302.04(a), the applicant shall demonstrate by plan and example that many factors were considered in the project's design in assessing the impacts to areas and environments under the department's jurisdiction including, but not limited to, plants, fish and wildlife.

Findings of Fact:

9. On August 11, 2008 the NH Department of Environmental Services (DES) received an application to replace a failing 3 ft. x 6 ft. x 26 ft. box culvert with twin 36 in. x 48 ft. culverts impacting 898 sq. ft. of riverine and palustrine wetlands.
10. The NH Department of Transportation (NHDOT) and the DES have a verbal agreement to process applications using an updated priority list provided by the NHDOT as the timing of projects are modified due to changes in safety ratings, emergencies as a result of weather, funding and other unanticipated problems or issues.
11. On July 23, 2009 the DES discussed concerns with the proposed design noting that the project was submitted as a minimum impact project, that the project was considered a minor project and the modification of an open bottom box culvert to twin RCP's was not likely to be approved.
12. On July 27, 2009, the DES received an e-mail acknowledging that the project met the minor impact category and included responses to some of the rules Env-Wt 302.04(a)(1-20).
13. On July 30, 2009, inspection by DES found the proposal is not the least impact to wetlands or surface waters, will impede aquatic organisms and is detrimental to fish and wildlife of importance.

14. On July 30, 2009, inspection by DES found the width of the brook immediately downstream of the crossing to be wider than the rest of the brook indicating the current structure is too small.

Rulings in Support of Denial

15. There is no demonstrated need to eliminate the streambed at this location.

16. Inspection by DES on July 30, 2009 found that the proposal will impede aquatic organisms and is detrimental to fish and wildlife of importance.

17. The applicant has not shown by plan and example how reducing the size of the stream crossing structure will not increase flooding, erosion of sedimentation.

18. The applicant has not adequately assessed the impacts to wildlife as required by Rules Wt 302.04(a)(7a,b,c,d) or considered the cumulative impacts that could occur.

19. Pursuant to Rule Wt 302.04(d), this permit is denied as there is a practicable alternative that would have less adverse impact on the department's jurisdiction and because the applicant has not adequately documented consideration of factors as required in Wt 302.04(a).

2009-00061 TYLER, CHARLES
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair and increase the height of 18 ft of retaining wall and construct a 4 ft wide stairway to the water along the front of a 22 ft x 15 ft 2 in perched beach and replenish the beach with 3 cu yd of sand on an average of 151 ft of frontage on Lake Winnepesaukee in Moultonborough.

APPROVE PERMIT:

Repair and increase the height of 18 ft of retaining wall and construct a 4 ft wide stairway to the water along the front of a 22 ft x 15 ft 2 in perched beach and replenish the beach with 3 cu yd of sand on an average of 151 ft of frontage on Lake Winnepesaukee in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated December 30, 2008, as received by DES on January 14, 2009.
2. This permit does not authorize any work on the existing docking facilities.
3. No additional walls may be constructed or placed in the bank without a permit.
4. All dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 3 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), excavation of less than 20 cu yd from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Applicant has removed the unauthorized wall from the bank.

2009-00296 M2DK LLC
ALTON Lake Winnepesaukee

Requested Action:

Amend permit to install a 14 ft x 30 ft seasonal canopy over the center slip.

Conservation Commission/Staff Comments:

Con Com submitted comments on dock length and patio

APPROVE AMENDMENT:

Amend permit to read: Construct a 6 ft x 40 ft seasonal dock connected to a 6 ft x 40 ft seasonal dock by a 6 ft x 12 ft seasonal walkway, install a 14 ft x 30 ft seasonal canopy over the center slip, and construct a 398 sq ft perched beach with wooden stairs over the bank on an average of 161 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors revision dated May 01, 2009, as received by DES on May 04, 2009, and canopy plans by DMC Surveyors revision dated June 24, 2009, as received by DES on June 26, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. The seasonal piers shall be removed from the lake for the non-boating season.
6. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
7. All dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
8. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
9. The steps installed for access to the water shall be seasonal steps over the bank with no excavation of the bank for installation to the lake. The steps shall be removed for the winter months.
10. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
11. This permit shall be used only once, and does not allow for annual beach replenishment.
12. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
13. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
14. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 161 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-00756 BRAY, JOHN & STEPHANIE
SPRINGFIELD Unnamed Stream

Requested Action:

Propose to impact 28 square feet (14 linear feet) of a perennial stream for the construction of a bridge (14 feet wide by 44 feet long) to allow access to a property for agricultural purposes.

APPROVE PERMIT:

Impact 28 square feet (14 linear feet) of a perennial stream for the construction of a bridge (14 feet wide by 44 feet long) to allow access to a property for agricultural purposes.

With Conditions:

1. All work shall be in accordance with the plans by Carl Sherblom entitled: Standard Wetlands Application for Driveway and Bridge for John and Stephanie Bray (sheets 1 and 2 of 2) dated April 08, 2009 as received by DES April 24, 2009.
2. Work shall be done during low flow.
3. There shall be no excavation or operation of construction equipment in flowing water.
4. Construction equipment shall not enter the surface water and shall conduct work from the adjacent banks and upland areas.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minor impact project per 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The bridge will span the stream from bank to bank, with a pier for support.
6. During normal stream flows the pier will be out of the stream flow.
7. The pier will be aligned with the flow of the stream to minimize impacts during high flow.
8. No comments were submitted from the NHFG the Natural Heritage Bureau, or the Springfield Conservation Commission.
9. NH Fish & Game commented that the bridge should provide fish passage.

2009-00785 CLAREMONT DPW, CITY OF
CLAREMONT Tributary To Sugar River

Requested Action:

Deny permit request to dredge and fill \pm 80 sq. ft. and temporarily impact 180 sq. ft. of an unnamed perennial tributary to the Sugar River at Thrasher Rd. to replace a failed 2-ft. x 4-ft. x 26-ft. stone box culvert with a 4-foot x 5-foot x 26-ft. concrete open bottomed

box culvert and install fire protection water line.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill \pm 80 sq. ft. and temporarily impact 180 sq. ft. of an unnamed perennial tributary to the Sugar River at Thrasher Rd. to replace a failed 2-ft. x 4-ft. x 26-ft. stone box culvert with a 4-foot x 5-foot x 26-ft. concrete open bottomed box culvert and install fire protection water line.

With Findings:

1. A request for additional information dated June 30, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00791 CLAREMONT DPW, CITY OF
CLAREMONT Tributary To Stevens Brook**

Requested Action:

Deny permit request to dredge and fill 170 sq. ft. and temporarily impact 510 sq. ft. of an unnamed perennial tributary to Stevens Brook at Thrasher Rd. to replace a 24-inch x 40-foot ADS culvert with a 36-inch x 40-foot RCP culvert and install a fire protection waterline.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Deny permit request to dredge and fill 170 sq. ft. and temporarily impact 510 sq. ft. of an unnamed perennial tributary to Stevens Brook at Thrasher Rd. to replace a 24-inch x 40-foot ADS culvert with a 36-inch x 40-foot RCP culvert and install a fire protection waterline.

With Findings:

1. A request for additional information dated June 30, 2009, addressed to the applicant or agent of record, clearly identified changes made to RSA 482-A:3 in 2008, requiring the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a)(2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00829 DEARBORN, JUDITH & ED CLARK
CARROLL Unnamed Stream**

Requested Action:

Propose to impact a total of 10,250 square feet of wetlands for an access road to a 42 acre forest management property (9,050 square feet) and the restoration of a filled wetland (1,200 square feet). The access road involves retaining 5,600 square feet of fill, filling an additional 3,450 square feet, and installing seven 12" diameter by 20' long culverts.

APPROVE AFTER THE FACT:

Impact a total of 10,250 square feet of wetlands for an access road to a 42 acre forest management property (9,050 square feet) and the restoration of a filled wetland (1,200 square feet). The access road involves retaining 5,600 square feet of fill, filling an additional 3,450 square feet, and installing seven 12" diameter by 20' long culverts.

With Conditions:

1. All work shall be in accordance with the plans by Lobdell Associates, Inc., entitled Judith Dearborn & Edward Clark Wetland

Impacts (Figure 3) as received by DES on August 11, 2009.

2. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Culverts shall be laid at original grade.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Restoration area shall be restored to pre-existing conditions. These areas shall be monitored and remedial actions taken if necessary.
12. Mulch within the restoration area shall be straw.
13. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
14. A certified wetland scientist shall conduct a follow-up inspection after the first growing season, to review the success of the restoration and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year.
15. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
16. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per 303.03 (h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f);
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Project revision added four additional culverts to the wetlands crossing to reduce impacts to the palustrine forested wetland by maintaining the existing hydrological connection.
6. The project has less than 10,000 square feet of permanent wetland impacts and thus meets the criteria of Env-Wt 302.03(c)(2)b. A compensatory mitigation proposal is not required.
7. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Carroll Conservation Commission.

2009-01028

AIKENS JR, PETER

RYE Tidal Buffer

Requested Action:

Impact a total of 35,766 sq. ft. within the previously developed upland tidal buffer zone for work associated with the redevelopment of the existing site currently having rental cabins, a swimming pool and other structures which will be replaced with a beach and swim club facility including 5,182 sq. ft. of building, 7,332 sq. ft. patio/pools, 12,984 sq. ft. parking, 2,191 sq. ft. storm drainage

(rain gardens)and 8,077 sq. ft. for temporary grading & construction.

Conservation Commission/Staff Comments:

On May 22, 2009 the Rye Conservation Commission wrote: "The applicant has addressed and/or agreed to all of the recommendations as stated [in attached letter from Rye CC to NHSC,Inc]. As there are no further contingencies, the [Rye Conservation] Commission members do not object to the request. At the May 21, 2009 meeting, the members reviewed the matter and approved this project."

Inspection Date: 08/07/2009 by Frank D Richardson

APPROVE PERMIT:

Impact a total of 35,766 sq. ft. within the previously developed upland tidal buffer zone for work associated with the redevelopment of the existing site currently having rental cabins, a swimming pool and other structures which will be replaced with a beach and swim club facility including 5,182 sq. ft. of building, 7,332 sq. ft. patio/pools, 12,984 sq. ft. parking, 2,191 sq. ft. storm drainage (rain gardens)and 8,077 sq. ft. for temporary grading & construction.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering, Inc. dated April 2009 (last revised 8/18/09 & 8/31/09), as received by DES on September 09, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This permit is contingent on approval by the DES Alteration of Terrain Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
6. NH DES Wetlands Bureau Southeast Region staff and the Rye Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
7. It is a condition of this approval that the Applicant acquire the additional land (as shown on submitted plans)from the State of New Hampshire (part of the NHDOT Ocean Boulevard [US Rte 1A]ROW) prior to any construction activity.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. The Invasive Species Management Plan prepared by NHSC, Inc. in conjunction with Northeast Wetlands Restoration, dated August 2009 as received by the DES on August 13, 2009, shall be implemented at the onset of site work and carried out through the 5-year duration of this permit with semi-annual photo-illustrated reports being submitted to the DES Wetlands Bureau following each late spring and early fall monitoring event.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(b), projects that involve work within 50 feet of a salt marsh that do not meet the criteria of Env-Wt 303.02
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 07, 2009. Field inspection determined that the project as proposed should enhance the adjacent tidal marsh habitat by managing invasive species currently on site (Phragmites, Purple Loosestrife and Japanese Knotweed)and eliminating a point discharge of fresh water from the site which has heretofore provided favorable growth conditions for Phragmites & Purple Loosestrife.
6. The approved project will improve environmental conditions at the site by abandoning or removing five substandard septic systems within the tidal buffer zone and installing a compliant septic system with a pre-treatment component outside the tidal buffer

zone.

7. This project has been designed to infiltrate much of the stormwater from the site, which receives no treatment under existing conditions, and rain gardens will be constructed to provide additional treatment.
8. Impervious surfaces on the property will be reduced through the use of pervious parking, sidewalks and patios.
9. No compensatory mitigation is required for this project since it is a redevelopment of a site which will result in enhanced environmental conditions for the adjacent tidal marsh including the Invasive Species Management Plan to be implemented from the onset of site work.
10. Concerns brought forth by Rye residents regarding this project have been duly considered. DES staff met with a representative of "Concerned Residents of Rye" to review the application file as well as responding to follow-up phone calls on this matter.
11. "Flood Hazard Study for Parson's Creek" at the subject location prepared by Ambit Engineering, Inc., dated August 11, 2009 and received by the DES on September 09, 2009, found that the filling within the 100 year flood plain proposed for this project will not cause an increase in flood elevations in this area.

2009-01100 NH DEPT OF TRANSPORTATION
CONWAY Lovejoy Brook, Saco River Overflow Y Saco River

Requested Action:

Encase steel piles with concrete at three bridge locations along River Road impacting 12,255 sq. ft. (12,140 sq ft. temporary) of palustrine and riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. - no comment

River Comm. - not active

APPROVE PERMIT:

Encase steel piles with concrete at three bridge locations along River Road impacting 12,255 sq. ft. (12,140 sq ft. temporary) of palustrine and riverine wetlands. NHDOT project #15604.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Design dated 4/15/09, as received by the Department on Sept. 8, 2009.
2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Prior to commencing work on a substructure located within surface waters, a cofferdam or similar water diversion structure(s) shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.
13. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.
14. Water quality will be monitored every 20 minutes while there is work in the water and a turbidity curtain will be utilized at Lovejoy Brook
15. Water quality standards shall be maintained during all phases of construction.
16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated as quickly as possible.
17. Impacts to vegetation in the temporary impact areas are limited to cutting and shall not be dredged or filled.
18. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
19. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
20. The impacts associated with the temporary work shall be restored immediately following construction.
21. The project shall not adversely impact the ability to navigate under the bridges.
22. Construction equipment located within surface waters shall be for the least amount of time possible, in any case include only the undercarriage and equipment shall be free of any invasive species.
23. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
24. Faulty equipment shall be repaired prior to entering jurisdictional areas.
25. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
26. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(1), alteration of less than 200 linear feet of bank and channel.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. Natural Resource Agency meetings were held at the NH Dept. of Transportation on Dec. 17, 2008 and Jan. 21, 2009 to coordinate the project.
6. The information from the NH Fish and Game Dept. indicates the project is not expected to impact a species of concerns as all work will be within the existing Right of Way.
7. The information from the NH Natural Heritage Bureau indicates the applicant has addressed their concerns as the work will be during low flow, water quality will be monitored every 20 minutes while there is work in the water and a turbidity curtain will be utilized at Lovejoy Brook.
8. A review of the project relative to impaired waters finds that most work is temporary, will have no additional loading or change in use and best management practices are required in the conditions of approval, therefore there should be no additional impact to impaired waters.

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2009-01355 **LIMBER, JOHN**
DURHAM **Unnamed Stream**

Requested Action:

Impact a total of 1,850 sq. ft. (150 total linear ft.) of seasonal stream over two locations to 1] repair deteriorated culvert end section, and properly stabilize eroded culvert outlet; stabilize the severely eroded downstream channel with bio-stabilization techniques; and 2] remove a defunct culvert piped section and restore that section of stream in place.

APPROVE PERMIT:

Impact a total of 1,850 sq. ft. (150 total linear ft.) of seasonal stream over two locations to 1] repair deteriorated culvert end section, and properly stabilize eroded culvert outlet; stabilize the severely eroded downstream channel with biostabilization techniques; and 2] remove a defunct culvert piped section and restore that section of stream in place.

With Conditions:

1. All work shall be in accordance with plans by Farwell Engineering Services dated 5/27/2009, as received by DES on 6/26/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that disturb less than 200 linear ft. of the channel of an intermittent stream that exceed the criteria for minimum per Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The Town of Durham has identified several eroded problem areas within the seasonal stream that are negatively affecting drainage in a densely developed neighborhood area. DES was consulted and gave input, which was included in the development of the proposal.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal removes failed piping which would not be approvable by current standards and restores the stream in that location, and further uses biostabilization to remediate the erosion in other vulnerable areas.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Natural Heritage Bureau as occurring in the project area.
5. Federal joint processing review during July 2009 found the project eligible as proposed for PGP approval (review signed by EPA staff).
6. The Durham Conservation Commission recommends approval of the project.

**2009-01442 DEERING, TOWN OF
DEERING Contoocook River**

Requested Action:

Dredge and fill 1,070 sq. ft. and temporarily impact 2,020 sq. ft. of the Contoocook River to replace the 2nd NH Turnpike 72-ft. clear span Warren Truss bridge with a 109-ft. steel truss bridge.

APPROVE PERMIT:

Dredge and fill \pm 1,070 sq. ft. and temporarily impact 2,020 sq. ft. of the Contoocook River to replace the 2nd NH Turnpike 72-ft. clear span Warren Truss bridge with a 109-ft. steel truss bridge.

With Conditions:

1. All work shall be in accordance with plans by SEA Consultants, Inc., as received by the Department on July 06, 2009.
2. The Town shall obtain written permission from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2009-01442 prior to construction.
3. This permit is contingent on approval by the DES Shoreland Program.
4. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
5. Work shall be done during annual low flow conditions.
6. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
7. This permit is contingent upon the restoration of 2,020 square feet of temporary Contoocook River bed and bank impact in accordance with plans received July 06, 2009, immediately following the completion of construction.
8. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. There shall be no excavation or operation of construction equipment in flowing water.
13. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
15. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
16. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
17. Temporary cofferdams shall be entirely removed immediately following construction.
18. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic. Faulty equipment shall be repaired prior to the commencement of construction.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
22. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
23. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
24. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
25. River restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.
26. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

27. A post-construction report documenting the status of the completed project and temporary impact restoration areas shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. This permit is conditioned that the Town shall obtain written permission from affected landowners outside of the existing road right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2009-01442 prior to construction.
3. The Natural Heritage Bureau indicated the presence of silver maple - false nettle- sensitive fern floodplain north of the project site. NHB also confirmed impacts to this community from the project are unlikely, but the presence of the exemplary forest was noted in the review so the location is known and avoided.
4. In email correspondence dated April 09, 2009, the NHFG Fisheries Division stated the situation will be improved if the proposed structure will not constrict flows or sediment transport.
5. The subject bridge is on the NHDOT Red List and has deteriorated to the point that there is a 10 ton weight limit.
6. The roadway width will be increased from 18 feet to 26 feet and the proposed structure relocates the abutments closer to the top of the riverbank and increases the span over the river by 37 feet, from 72 feet to 109 feet. The Agent has confirmed the increased bridge width is consistent with the channel width up and downstream.
7. The 1979 Flood Insurance Rate Map indicates the project site is located within a special flood hazed area for the 100-year flood. The study also reports the Contoocook swells to the bottom of the bridge and overtops the approach roads at a frequency between 10 and 20 years and that the bridge is overtopped by the 100-year storm.
8. Floodway alterations could require detailed hydraulic modeling or possibly a Conditional Letter of Map Revisions to revise the FIRM. Therefore, the bridge design was developed to minimize alteration to the hydraulic characteristics of the site.
9. Due to significant floodplain in the area the proposed structure will not pass a 50 year storm, but provides a greater hydraulic capacity than the existing structure.
10. Increasing the width of the bridge span over the river would not alleviate flooding in the area given the elevations of existing infrastructure and increasing the span would result in an unsafe approach to the bridge.
11. The Agent has confirmed the project is a municipally managed NHDOT project and that NHDOT has approved the design.
12. The Agent has confirmed the abutments will be constructed above the water level, and therefore will be completed in the dry.
13. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
14. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
15. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01872 NH DEPT OF TRANSPORTATION
DUMMER Unnamed Wetland

Requested Action:

Relocate approximately 2,000 feet of NH Route 16 onto a new alignment impacting 20,524 sq. ft. of palustrine and riverine wetlands.

Conservation Commission/Staff Comments:

Cons. Comm. has no objections

APPROVE PERMIT:

Relocate approximately 2,000 feet of NH Route 16 onto a new alignment impacting 20,524 sq. ft. of palustrine and riverine wetlands. NHDOT project #15804.

With Conditions:

1. All work shall be in accordance with plans by NHDOT Bureau of Highway Design dated August 12, 2009, (revision date unknown) as received by the Department on Sept. 3, 2009.

2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.
11. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.
12. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
13. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
14. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
15. Written permission from each property owner impacted by this project, whether temporary or permanent, shall be gained by the applicant prior to construction.
16. This approval is contingent upon the review by DOT of the restoration of jurisdictional areas impacted by the bank failure.
17. The review of the bank failure shall be completed by Nov. 1, 2009 for DES to determine what additional measures need to be taken to restore and stabilize the embankment.
18. Mitigation may include an ARM Fund payment originally estimated to be \$52,923.13 for the initial application for 19,790 sq. ft. of wetlands impacts to relocate the road.
19. The existing ditches generally shown as wetland classification PEM1E are to be replaced adjacent to the relocated roadway.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. of nontidal wetlands and surface waters when considering that approximately 9,000 sq. ft. of jurisdictional drainage ditches will be relocated.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. As of the issuance of this permit the roadway is closed and the relocation/ reconstruction of this road are a safety improvement to the general public.
6. The permit conditions allow the project to move forward and mitigation for the project requires further coordination along with more information on the disposition of the material undermined from the roadway.

MINIMUM IMPACT PROJECT

2008-01716 NH FISH & GAME REGION 1 PITTSBURG Ingersoll Brook

Requested Action:

Propose to confirm Emergency Authorization to re-establish access roads within the Connecticut Lakes Natural Area impacting approximately 1100 sq. ft. Work involved cleaning roadside ditches; cleaning sediment and debris out of 7 existing culverts, replacing 2 culverts with culverts of the same size; replacing 2 existing culverts with larger culverts; repairing bridge abutments; and removing a culvert and restoring the area. Propose the restoration of the stream channel impacting 320 square feet (60 linear feet). Stream restoration includes the removal of a wood jam (200 square feet) and the placement of a 16 inch diameter fir tree along the left stream bank (120 square feet).

CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization to re-establish access roads within the Connecticut Lakes Natural Area impacting approximately 1100 sq. ft. Work involved cleaning roadside ditches; cleaning sediment and debris out of 7 existing culverts, replacing 2 culverts with culverts of the same size; replacing 2 existing culverts with larger culverts; repairing bridge abutments; and removing a culvert and restoring the area. Permit the restoration of the stream channel impacting 320 square feet (60 linear feet). Stream restoration includes the removal of a wood jam (200 square feet) and the placement of a 16 inch diameter fir tree along the left stream bank (120 square feet).

With Conditions:

1. Stream restoration work shall be in accordance with plans by NH Fish & Game as received by the Department on August 12, 2009.
2. In areas that are in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1,
3. Restoration work within the stream shall be done during periods of low flow.
4. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
5. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary.
11. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
12. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during construction, and areas cleared of vegetation shall be revegetated as quickly as possible where applicable.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a Minimum Impact Project per NH Administrative Rule Env-Wt 303.04 (o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A flash flood in July of 2008 caused road washouts in several locations within the Connecticut Lakes Natural Area.
6. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on August 27, 2008.
7. On June 3, 2009 DES staff inspected the site.
8. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
9. In an unnamed brook a large wood jam was created, and a new channel was created. The new channel flows directly to Scott Bog Road where it turns sharply and forms a roadside channel before rejoining the existing channel. The new roadside channel is causing erosion of the road.
10. The objective of the stream restoration is to allow the brook to flow into the original channel and redirect flow away from the new channel, while removing as little instream wood as possible.
11. A 2 foot diameter culvert will be placed under Scott Bog Road to capture any flow from the new channel.
12. The Conservation Easement Holder (The Nature Conservancy) is aware of the stream restoration project.
13. NH Fish and Game intends to improve the stream crossings as funding allows. The 10 foot culvert crossing of Ingersoll Brook may be replaced with a 40 foot or greater bridge span when funding allows.
14. Exposed soils adjacent to streams will be revegetated using native seed mixes.

2009-00535 GOLDSTEIN, ANDREW & KAREN
NORTH HAMPTON Tidal Marsh

Requested Action:

Impact 3,950 sq. ft. of tidal wetlands and adjacent tidal buffer zone in a phase II salt marsh restoration project to dredge portions of existing creeks and ditches and create 200 linear feet of smaller creeks to restore a tidal regime that will foster the growth of indigenous salt marsh species and control the spread of invasive plants on the marsh.

Conservation Commission/Staff Comments:

The North Hampton Conservation Commission and the Rockingham County Conservation District strongly support this current project as well as previous salt marsh restoration work at the Little River salt marsh.

Inspection Date: 08/10/2009 by Frank D Richardson

APPROVE PERMIT:

Impact 3,950 sq. ft. of tidal wetlands and adjacent tidal buffer zone in a phase II salt marsh restoration project to dredge portions of existing creeks and ditches and create 200 linear feet of smaller creeks to restore a tidal regime that will foster the growth of indigenous salt marsh species and control the spread of invasive plants on the marsh.

With Conditions:

1. All work shall be in accordance with plans by Rockingham County Conservation District (plans by Gerald Lang) dated 12/08, as received by DES on March 23, 2009 and reviewed with applicant by staff on August 10, 2009.
2. Any further alteration of areas at this site that are within the jurisdiction of the DES Wetlands Bureau or any changes to the approved plans will require coordination with DES Wetlands Bureau Southeast Region staff and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Waste Management Division regarding disposal of the dredged materials.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Wetlands Bureau Southeast Region staff and NHDES Coastal Program staff at the project site or at the DES Office in Portsmouth, N.H. to review the

conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged materials shall be placed outside of the jurisdiction of the DES Wetlands Bureau unless used on site specifically for the reestablishment of indigenous vegetation.
8. Work shall be done during low tide periods.
9. All locations to be dredged and/or filled shall be staked in the field and verified to correspond with approved plans by DES Wetlands Bureau staff prior to the start of construction.
10. Work on the salt marsh shall occur during the months of August through the following April. No work on the marsh shall occur after April 30 unless a waiver of this condition is issued from the DES Wetlands Bureau.
11. Construction equipment shall have specialized low ground pressure tracks, which impact less than four (4) pounds per square inch when loaded, or the permittee shall utilize timber or plywood mats beneath machines when driving over wetland areas.
12. Timber or plywood mats shall be utilized in all areas of the marsh where construction equipment is required to travel or turn multiple times over the same area.
13. All weight distribution mats shall be removed from the marsh within a minimum practicable time period.
14. Pre- and post-restoration monitoring shall be completed through the protocols set forth by the "Global Program of Action Coalition for the Gulf of Maine" (GPAC) and the "Monitoring Requirements for Salt Marsh Restoration Projects," NH Coastal Program, September 1998.
15. The permittee shall submit monitoring reports to the DES Wetlands Bureau according to the specifications stated in the above-listed protocols.
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
17. Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(t)(1-4), Restoration of altered or degraded wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01124 BROWNING, FRED
ALTON Lake Winnepesaukee

Requested Action:

Repair an existing 24 ft x 36 ft boathouse with associated docks and a second story adapted for residential use located over public submerged lands, in-kind, on 59.5 ft of frontage on Lake Winnepesaukee in Alton.

Conservation Commission/Staff Comments:

Con Com requested the Department inspect the site and mentions the abutter states there is a property line issue.

APPROVE PERMIT:

Repair an existing 24 ft x 36 ft boathouse with associated docks and a second story adapted for residential use located over public submerged lands, in-kind, on 59.5 ft of frontage on Lake Winnepesaukee in Alton.

With Conditions:

1. All work shall be in accordance with plans by Thomas Varney as revised on August 13, 2009, and received by DES on August 24, 2009 with the exception that the removal of the stair is not authorized at this time.
 2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
 3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
 4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
 5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
 6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
 7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
 8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
1. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The Alton Coanservation Commission suggested field inspect of the site, however the project has been revised such that there shall be no alteration of the structures.

EXPEDITED MINIMUM

2007-02630 BLODGETT, AMANDA
GORHAM Unnamed Stream

Requested Action:

Propose to impact approximately 180 sq. ft. of wetland for the replacement of a crushed culvert.

WITHDRAW APPLICATION:

Withdraw application proposal to impact approximately 180 sq. ft. of wetland for the replacement of a crushed culvert.

With Findings:

1. This is a Minimum Impact Project per Env-Wt 303.04 (z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. On September 08, 2009, the department received a request, from the applicant, to formally withdraw the pending application.
3. The applicant has submitted a restoration plan to the compliance section.

2009-01052 NH DEPT OF TRANSPORTATION, BUREAU OF RAILS & TRANS
LEBANON Unnamed Wetland

Requested Action:

Amendment proposal to move the location of the stormwater treatment unit resulting in an additional 1,000 square feet of fill in the drainage channel.

APPROVE AMENDMENT:

Impact 2,500 square feet of a drainage channel wetland for the installation of a new stormwater treatment unit. Wetland impacts involve filling approximately 335 square feet of a drainage channel to extend an existing culvert by 25 feet; installing a rip-rap plunge pool and apron designed to dissipate flows impacting approximately 465 square feet; and grading approximately 1700 square feet of the associated area.

With Conditions:

1. All work shall be in accordance with plans by Wright-Pierce entitled City of Lebanon, NH CSO Separation- Contract #7 Railroad Crossing dated August 2009 as received by DES on August 27, 2009.
2. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
11. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

DES reaffirms findings 1 through 13 with additional findings.

1. This is a minimum impact project per 303.04 (f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Conservation Commission signed the application waiving their right to intervene pursuant to RSA 482-A:11.
6. This project is scheduled to receive funding through the American Recovery and Reinvestment Act. The State Project Name is Lebanon CSO Project.
7. This project is being reviewed by the DES Wastewater Engineering Bureau. Approval from the DES Wastewater Engineering Bureau is contingent on approval by the DES Wetlands Bureau.
8. NH Fish & Game commented that they do not expect potential impacts to dwarf wedgemussel as there will be no impacts to the Connecticut River riverbed or its banks.
9. NH Fish & Game commented that they do not expect impacts to bald eagle as the project does not involve the removal of

potential perching and roosting trees along the Connecticut River.

10. US Fish and Wildlife Service commented that the project is expected to have no adverse impacts to federally listed dwarf wedgemussels.

11. The Connecticut River Joint Commission (CRJC) commented that the proposed project devolves from extensive development upslope of this area without adequate attention to the stormwater management. CRJC recommended to the city that opportunities to capture stormwater above the project area be sought in addition to this fix. CRJC further stated that the Connecticut River's bank is unstable in this area, partly because of the nearby development and also because of ice jams often caused by a Vermont tributary, the White River, just upstream.

12. The applicant addressed the Connecticut River Joint Commission comments by explaining that the project is not anticipated to increase stormwater flows to the Connecticut River; the project is anticipated to improve water quality. The project is intended to improve water quality by providing deep sump catchbasins and a stormwater treatment unit for sediment and debris removal, along with reducing the frequency and quantity of combined sewer overflows being discharged into the Connecticut River. This project is part of the City's multi-phase effort to separate the storm and sanitary flows. Once the project is complete, the sanitary flow will continue to the Wastewater Treatment Plant, decreasing the amount of water discharge at this location in the Connecticut River. As additional phases of the CSO separation project are completed, the sewer overflow will be eliminated, further reducing the flow to the river.

13. The applicant obtained permission for the work from the landowner (NH DOT) and supplied a copy of the permission to DES Wetlands Bureau.

14. On August 27, 2009 DES received a proposed amendment request. The amendment was requested by the agent for the necessary to coordination with the proposed railroad bridge replacement.

15. The amendment request is significant per RSA 482-A:3 XIV (e) requiring a new application.

16. The new application was reviewed under the original file number. The project abutter's were notified and a new application fee was paid.

17. The amendment is necessary to allow coordination with the proposed railroad bridge replacement.

2009-01093 FARMER, ISABELLE
LYME Connecticut River

Requested Action:

Install a 3 ft x 12 ft seasonal dock with a 4 ft x 8 ft seasonal dock in a "L" shaped configuration on the Connecticut River, Lyme.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Install a 3 ft x 12 ft seasonal dock with a 4 ft x 8 ft seasonal dock in a "L" shaped configuration on the Connecticut River, Lyme.

With Conditions:

1. All work shall be in accordance with plans, as received by DES on August 10, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 16 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant has an average of 1800 feet of shoreline frontage along the Connecticut River.

3. A maximum of 25 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-01261 **VARNEY, JEAN**
RYE Atlantic Ocean

Requested Action:

Impact an additional 20 sq. ft. within the previously disturbed 100-foot tidal buffer zone for construction of a deck, entry/walkway, fence, natural plantings, and the removal of the existing paved driveway to be replaced with pervious crushed stone which provides a net reduction (520 sq.ft.) of impervious surface within the protected shoreland on an single-family residential lot with approximately 55 linear feet of frontage on the Atlantic Ocean.

Conservation Commission/Staff Comments:

The Rye Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact an additional 20 sq. ft. within the previously disturbed 100-foot tidal buffer zone for construction of a deck, entry/walkway, fence, natural plantings, and the removal of the existing paved driveway to be replaced with pervious crushed stone which provides a net reduction (520 sq.ft.) of impervious surface within the protected shoreland on an single-family residential lot with approximately 55 linear feet of frontage on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with plans by Stockton Services dated May 26, 2009 and revised August 3, 2009, as received by DES on August 12, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. DES southeast region staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 32% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Env-Wt 304.04, the applicant received written concurrence from NH DARED for the impacts that will occur

within 20-feet of the property line boundary.

2009-01640 AMHERST, TOWN OF
AMHERST Unnamed Stream

Requested Action:

Impact approximately 200 sq. ft. of palustrine forested wetland to install a 40-foot by 15-inch HDPE culvert beneath Spring Road for improved drainage.

Conservation Commission/Staff Comments:

The Amherst Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact approximately 200 sq. ft. of palustrine forested wetland to install a 40-foot by 15-inch HDPE culvert beneath Spring Road for improved drainage.

With Conditions:

1. All work shall be in accordance with plans by Dave Demeo as received by DES on July 31, 2009.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Work shall be done during seasonal low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01783 DOIRON, ROBERT & FAITH
SANBORNVILLE Lovell Lake

Requested Action:

Permanently remove an existing 4 ft x 20 ft seasonal dock and anchor pad, install a 5 ft x 3 ft anchor pad and a 4 ft x 24 ft seasonal dock, on an average of 40 ft of frontage on Lovell Lake, Sanbornville.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing 4 ft x 20 ft seasonal dock and anchor pad, install a 5 ft x 3 ft anchor pad and a 4 ft x 24 ft seasonal dock, on an average of 40 ft of frontage on Lovell Lake, Sanbornville.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design and Construction Management dated July 30, 2009, as received by DES on August 13, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant has an average of 40 feet of shoreline frontage along Lovell Lake.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2009-01792

AQUARION WATER COMPANY OF NEW HAMPSHIRE

NORTH HAMPTON Unnamed Stream Unnamed Wetland

Requested Action:

Temporarily impact 252 square feet of palustrine forested wetland to replace a failing, cast iron water main with HDPE pipe.

Conservation Commission/Staff Comments:

The North Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 252 square feet of palustrine forested wetland to replace a failing, cast iron water main with HDPE pipe.

With Conditions:

1. All work shall be in accordance with plans by Tata & Howard, Inc, as received by the DES on August 21, 2009.
2. The applicant shall notify in writing DES Wetlands Bureau and the North Hampton Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
3. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to insure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
4. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.
7. Topsoil in wetlands shall be stripped and segregated from subsoil during construction. Wetland topsoils shall be stockpiled separately from subsoils and shall be restored following backfill.

8. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.
9. All in-stream work shall be conducted during low flow conditions and in a manner so as to minimize turbidity.
10. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction conditions.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. A post-construction report documenting status of wetlands restoration shall be submitted to the Wetlands Bureau within six weeks of the completion of construction.
15. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the Wetlands Bureau by July 15 of the year following construction. The construction report shall include photographic documentation. The Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.
16. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following the completion of construction. The applicant shall work with DES to attempt to eradicate nuisance species newly found along the pipeline right-of-way during this same period.
17. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-01793 WOLFEBORO CORINTHIAN YACHT CLUB
WOLFEBORO Lake Winnepesaukee

Requested Action:

Replace 18 pilings and repair two 10 ft x 16 ft cribs supporting the fueling dock consisting of a 13.5' x 132' pier connected to a 10' x 150' pier in a "T" configuration with a 14 ft x 165 ft pier with a 4' x 24' finger and 4' x 20' finger along 320' of shoreline frontage on Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace 18 pilings and repair two 10 ft x 16 ft cribs supporting the fueling dock consisting of a 13.5' x 132' pier connected to a 10' x 150' pier in a "T" configuration with a 14 ft x 165 ft pier with a 4' x 24' finger and 4' x 20' finger along 320' of shoreline frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated July 30, 2009, as received by DES on August 14, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2009-01794 RUSSELL, PAUL
CENTER BARNSTEAD Unnamed Stream Locke Lake

Requested Action:

Impact a total of 228 sq. ft. (34 linear ft.) of seasonal stream bank and channel over two locations, including 120 sq. ft. (10 linear ft.) of seasonal stream bank and channel to repair and stabilize existing culvert headwall, and 160 sq. ft. (24 linear ft.) to remove collapsed bank sediments and plant and stabilize bank, to correct erosion from previous flood events.

APPROVE PERMIT:

Impact a total of 228 sq. ft. (34 linear ft.) of seasonal stream bank and channel over two locations, including 120 sq. ft. (10 linear ft.) of seasonal stream bank and channel to repair and stabilize existing culvert headwall, and 160 sq. ft. (24 linear ft.) to remove collapsed bank sediments and plant and stabilize bank, to correct erosion from previous flood events.

With Conditions:

1. All work shall be in accordance with plans by the Town of Barnstead dated 7/14/2009, as received by DES on 8/14/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x), maintenance, repair or replacement of a non-docking structure such as a culvert or headwall.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The stream bank and headwall erosion are sending sediments into Locke Lake downstream and need to be repaired and stabilized. The repair is a coordinated effort between the landowner and the Town of Barnstead.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal uses stabilization means compatible with the stream's natural conditions.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.
5. The Barnstead Conservation Commission signed the expedited application.

2009-01795 GILMANTON, TOWN OF
GILMANTON Unnamed Stream

Requested Action:

Proposal for in-kind replacement of an existing 32 ft. long x 5.4 ft. wide x 3.6 ft. high CMP squash culvert with a 32 ft. long x 5.4 ft. wide x 3.6 ft. aluminized CMP squash culvert. Wetland impacts consist of 173 sq. ft. of temporary impact.

APPROVE PERMIT:

Approve in-kind replacement of an existing 32 ft. long x 5.4 ft. wide x 3.6 ft. high CMP squash culvert with a 32 ft. long x 5.4 ft. wide x 3.6 ft. aluminized CMP squash culvert. Wetland impacts consist of 173 sq. ft. of temporary impact.

With Conditions:

1. All work shall be in accordance with plans by NHSC Inc., dated July 2009, as received by DES on August 14, 2009.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each

operator shall be trained in its use.

14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

15. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

TRAILS NOTIFICATION

2009-01949 **NH DRED - TRAILS BUREAU**
BERLIN **Unnamed Stream Wetlands**

COMPLETE NOTIFICATION:

Berlin Tax Map 407, Lot# 9 Jerchico Mtn State Park

LAKES-SEASONAL DOCK NOTIF

2009-01588 **WELCH, JOYCE**
ALLENSTOWN **Iris Pond**

COMPLETE NOTIFICATION:

Allenstown Tax Map 109, Lot# 3 Iris Pond

2009-02013 **TAPPER, ELIZABETH**
TUFTONBORO **Lower Beech Pond**

COMPLETE NOTIFICATION:

Tuftonboro Tax Map 70, Lot# 9 Lower Beech Pond

ROADWAY MAINTENANCE NOTIF

**2009-02017 NH DEPT OF TRANSPORTATION
SPRINGFIELD Unnamed Stream Wetlands**

COMPLETE NOTIFICATION:
Culvert replacement

**2009-02022 JEFFERSON HIGHWAY DEPT
JEFFERSON Unnamed Wetland**

COMPLETE NOTIFICATION:
culvert replacements

**2009-02023 JEFFERSON HIGHWAY DEPT
JEFFERSON Unnamed Wetland**

COMPLETE NOTIFICATION:
Culvert replacement

**2009-02024 SPRINGFIELD, TOWN OF
SPRINGFIELD Unnamed Stream**

COMPLETE NOTIFICATION:
Culvert replacement

**2009-02025 SPRINGFIELD, TOWN OF
SPRINGFIELD Unnamed Stream**

COMPLETE NOTIFICATION:
Culvert replacement

**2009-02053 NH DEPT OF TRANSPORTATION
BARTLETT Unnamed Stream**

**2009-02065 NH DEPT OF TRANSPORTATION
FARMINGTON Drainage Swale**

COMPLETE NOTIFICATION:
Maintenance dredge drainage swale

PERMIT BY NOTIFICATION

2009-01790 SCHADE, AIMEE/HENRY
AMHERST Unnamed Stream

Requested Action:

Impact 840 sq. ft. of palustrine forested wetland to install a 12-inch culvert and construct a crossing to provide access to the existing leach field for replacement and allow for future access for maintenance purposes.

Conservation Commission/Staff Comments:

The Amherst Conservation Commission signed the PBN.

PBN IS COMPLETE:

Impact 840 sq. ft. of palustrine forested wetland to install a 12-inch culvert and construct a crossing to provide access to the existing leach field for replacement and allow for future access for maintenance purposes.

2009-01813 TRUSTEES OF DARTMOUTH COLLEGE
HANOVER Unnamed Wetland

Requested Action:

Propose maintenance dredge an existing drainage ditch, temporarily impacting 4,163 square feet of wetlands.

PBN IS COMPLETE:

Maintenance dredge an existing drainage ditch, temporarily impacting 4,163 square feet of wetlands.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a) (3) Maintenance dredging that meets the criteria in Env-Wt 303.04(k).
2. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:11.
3. The easement holder is aware and approves of the project.
4. The department received written agreement from the abutter, within twenty feet of the project, concurring with the project.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, or the Natural Heritage Bureau.

2009-01970 BAXTER LAKE RECREATION AREA INC
ROCHESTER Rickers Brook

Requested Action:

Temporarily impact 2,393 sq. ft. of stream and wetland to install a new water supply line from pump house to distribution point.

PBN IS COMPLETE:

Temporarily impact 2,393 sq. ft. of stream and wetland to install a new water supply line from pump house to distribution point.

2009-02028 MARS, VIRGINIA
NEWBURY Lake Sunapee

Requested Action:

Repair existing docking structure

Conservation Commission/Staff Comments:

Con Com signed PBN form on 09/02/09

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2009-02033 HUARD REVOC TRUST, DEBRA
STODDARD Highland Lake**

Requested Action:

Applicant requests to repair an existing retaining wall.

Conservation Commission/Staff Comments:

Con Com signed PBN on 09/01/09

PBN DISQUALIFIED:

Applicant requests to repair an existing retaining wall.

With Findings:

1. Review of prior DES files indicate there is no existing legal wall on this frontage.

**2009-02045 POTTER, GEORGE
LACONIA Lake Winnepesaukee**

Requested Action:

Repair existing docking structures.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair existing docking structures.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

CSPA PERMIT

**2009-01084 BREWITT JR, JOHN
BARNSTEAD Suncook Lake**

Requested Action:

Impact 2564 sq ft for the purpose of constructing a single-family dwelling with a deck.

APPROVE PERMIT:

Impact 2564 sq ft for the purpose of constructing a single-family dwelling with a deck.

With Conditions:

1. All work shall be in accordance with plans by Randall Ladd revised June 2009 and received by the Department of Environmental Services ("DES") on June 4, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 7.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 3,757 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,900 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01244 WBTSCC INC, BOB DIODATI
RYE Tidal Buffer

Requested Action:

Impact 48,234 sq ft for the purpose of removing 10 existing structures and constructing a pervious parking area, two swimming pools, a spa, a pervious pool deck, walkways and an addition onto an existing commercial structure, and installing a state approved septic system.

APPROVE PERMIT:

Impact 48,234 sq ft for the purpose of removing 10 existing structures and constructing a pervious parking area, two swimming pools, a spa, a pervious pool deck, walkways and an addition onto an existing commercial structure, and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans C-2 and C-5 by Ambit Engineering Inc revised June 25, 2009 and received by the Department of Environmental Services ("DES") on July 9, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. All proposed impacts within wetlands, surface waters, and their banks to include areas within the Tidal Buffer Zone (TBZ) shall require a Wetland Permit under RSA 482-A.

5. All pervious technologies and bio-retention areas shall be installed and maintained according to approved plan sets C-5 and D-4.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No more than 25.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01292 EDWARDS, MARK
HILLSBOROUGH Franklin Pierce Lake

Requested Action:

Impact 7,969 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

APPROVE PERMIT:

Impact 7,969 sq ft for the purpose of constructing a new residential dwelling and associated accessory structures.

With Conditions:

1. All work shall be in accordance with plans by Meredian Land Services, Inc., dated May 13, 2009 and received by the Department of Environmental Services ("DES") on August 25, 2009.
2. No more than 6.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 15,225 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,806 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface

waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Silt fencing must be removed once the area is stabilized.

12. This permit is contingent on approval by the DES Subsurface Systems Bureau.

13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01307 BASTIAN, CHARLES
CHARLESTOWN Little Sugar River

Requested Action:

Impact 350 sq ft for the purpose of removing an existing concrete foundation.

APPROVE PERMIT:

Impact 350 sq ft for the purpose of removing an existing concrete foundation.

With Conditions:

1. All work shall be in accordance with plans by Beaver Tracks LLC dated June 2009 and received by the Department of Environmental Services ("DES") on June 18, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All stockpiled construction material and debris shall be removed from the Protected Shoreland within 60 days from the start of construction.
6. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. The area within the waterfront buffer where existing structures are to be removed according to plans by Beaver Tracks LLC shall be revegetated with native trees, shrubs and ground covers upon completion of project installation.
8. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01411 BAUER FAMILY REVOC TRUST, RONALD BAUER
WENTWORTHS LOCA Magalloway River

Requested Action:

Impact 1,425 sq ft for the purpose of expanding an existing residential dwelling and installing a new septic system.

APPROVE PERMIT:

Impact 1,425 sq ft for the purpose of expanding an existing residential dwelling and installing a new septic system.

With Conditions:

1. All work shall be in accordance with plans by North Country Septic Design dated June 20, 2009 and received by the Department of Environmental Services ("DES") on July 7, 2009.
2. No more than 13.34% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,150 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. This permit is contingent on approval by the DES Subsurface Systems Bureau.
13. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.

2009-01506 HIATT, JEFFREY
NEWINGTON Little Bay

Requested Action:

Impact 7017 sq ft for the purpose of constructing an attached garage and a deck onto an existing single-family dwelling, relocating an existing driveway, replanting sections of the existing driveway and removing 3 outbuildings.

APPROVE PERMIT:

Impact 7017 sq ft for the purpose of constructing an attached garage and a deck onto an existing single-family dwelling, relocating an existing driveway, replanting sections of the existing driveway and removing 3 outbuildings.

With Conditions:

1. All work shall be in accordance with plans by Berry Surveying & Engineering dated August 18, 2009 and received by the Department of Environmental Services ("DES") on August 21, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. No new impervious surfaces shall be constructed until the 3 outbuildings have been removed and portions of the existing driveway have been replanted in accordance with the approved plans.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 23.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 2287 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01526 KANGAS, CAROL
SOUTH ACWORTH Cold River

Requested Action:

Impact 336 sq ft for the purpose of constructing a new deck.

APPROVE PERMIT:

Impact 336 sq ft for the purpose of constructing a new deck.

With Conditions:

1. All work shall be in accordance with plans submitted by Carol Kangras dated and received by the Department of Environmental Services ("DES") on July 20, 2009.
2. No more than 2.22% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 37,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 18,340 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01551 MOORE, GEOFFERY
ORFORD Connecticut River

Requested Action:

Impact 17,400 sq ft for the purpose of constructing a single-family dwelling with attached garage, a patio, a driveway and installing a state approved septic system.

APPROVE PERMIT:

Impact 17,400 sq ft for the purpose of constructing a single-family dwelling with attached garage, a patio, a driveway and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by ALW Surveys dated July 2009 and received by the Department of Environmental Services ("DES") on July 22, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No portion of the proposed primary structure shall be built within the primary building setback.
4. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 2200 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01682 CHANDLER, MIKE
SUTTON Blaisdell Lake

Requested Action:

Impact 2025 sq ft for the purpose of removing an existing walkway, a 3-season sunroom and a second-story deck and constructing a 576 sq ft detached garage, a screened porch over an existing concrete foundation, a stone walkway, a deck, a retaining wall, 2 infiltration trenches, and extending the existing roof overhangs over existing impervious surface.

APPROVE PERMIT:

Impact 2025 sq ft for the purpose of removing an existing walkway, a 3-season sunroom and a second-story deck and constructing a 576 sq ft detached garage, a screened porch over an existing concrete foundation, a stone walkway, a deck, a retaining wall, 2 infiltration trenches, and extending the existing roof overhangs over existing impervious surface.

With Conditions:

1. All work shall be in accordance with plans by Alae Designs LLC revised August 27, 2009 and received by the Department of Environmental Services ("DES") on August 27, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. The proposed screened porch shall be constructed in a manner that there shall be no permanent foundation walls, insulation, or a heat source and no portion of the porch may be enclosed in whole or in part with glass or any other material designed or intended to provide a weather-proof barrier in order to comply with Env-Wq 1408.03.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. No more than 19.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-01717 PUBLIC SERVICE OF NEW HAMPSHIRE
HILLSBOROUGH North Branch River

Requested Action:

Impact 1,500 sq ft for the purpose of upgrading an existing hydroelectric plant.

APPROVE PERMIT:

Impact 1,500 sq ft for the purpose of upgrading an existing hydroelectric plant.

With Conditions:

1. All work shall be in accordance with plans provided by Kenneth Litfin of Hatch Acres Corporation, and received by the Department of Environmental Services ("DES") on August 7, 2009.
2. No more than 40.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 14,358 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.
12. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined

to remain in an unaltered state.

CSPA PERMIT W/WAIVER

2009-00988 BAKER, TIMOTHY & TAMARA
MOULTONBOROUGH Lake Kanasatka

Requested Action:

Applicant proposes amendment to permit the repair of the foundation.

Inspection Date: 06/02/2009 by Raymond M Reimold

APPROVE AMENDMENT:

Permit Amended to read: Impact 7,100 sq ft to construct an addition to an existing non conforming structure and repair foundation wall, reconfigure driveway, install a septic system, and use pervious technologies.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates revised August 5, 2009 and received by the Department of Environmental Services ("DES") on August 7, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This approval includes a Waiver of RSA 483-B:9(II)(b)and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. No more than 20.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 6,415 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,075 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures and conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Kanasatka and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The project as proposed would result in a decrease in impervious surfaces from 22.0% to 20.9%.

4. The applicant has proposed to plant native trees and shrubs in the waterfront buffer, remove a foundation drain so it no longer discharges directly into the Lake, and reduces 315 sq ft of impervious surfaces in the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-01173 ROSS, STEVEN
HAMPTON Taylor River

Requested Action:

Impact 18,810 sq ft for the purpose of removing an existing asphalt parking lot and commercial building and constructing a new commercial building with permeable parking area.

APPROVE PERMIT:

Impact 18,810 sq ft for the purpose of removing an existing asphalt parking lot and commercial building and constructing a new commercial building with permeable parking area.

WAIVER APPROVED: Pursuant to RSA 483-B:11 II, RSA 483-B:9,V(g)(1)is hereby waived to allow construction of the proposed project.

With Conditions:

1. All work shall be in accordance with plans by Post Road Surveying dated May 5, 2009 and received by the Department of Environmental Services ("DES") on July 15, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. The proposed pervious parking area and stormwater management systems shall be installed as shown on the approved plans within 90 days of completion of the proposed foundation.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
10. No more than 46.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures or conditions depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

2. The project as proposed would result in expansion the primary structure by 6950 sq ft but will reduce the impervious area of the lot of record from 25,200 sq ft to 18,250 sq ft.

3. The applicant has proposed to install 2 bio-retention areas and reduce the impervious surface area on the lot of record by 6,950 sq ft and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.